
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

In re application of: CIESLAK et al.

Attorney Docket No.: CISC146/3222

Application No.: 09/608,802

Examiner: BHATIA, AJAY M.

Filed: June 30, 2000

Group: 2145

Title: METHOD AND APPARATUS FOR
REDIRECTING NETWORK TRAFFIC

Confirmation No.: 2424

CERTIFICATE OF EFS-WEB TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through EFS-WEB to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on April 30, 2007.

Signed: /Mia Mitchell-Haynes/
Mia Mitchell-Haynes

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated on the attached sheets.

Remarks begin on page 2 of this paper.

REMARKS

The Examiner has rejected claim 1 and 80 under 35 U.S.C. §101 because the claimed invention is asserted to be directed towards non-statutory subject matter. The Examiner submits that these claims are directed towards “software, which is not implemented on any type of hardware and fails to produce a tangible result like saving the data to memory.” Claims 1 and 80 include techniques or mechanisms for “redirecting the received data to a selected one or more of the traffic handling systems” based on determined factors. It is respectfully submitted that the redirection of data to a selected traffic handling system is a tangible action that accomplishes the tangible result of redirecting data to a tangible device, *i.e.*, a selected traffic handling system. Accordingly, it is submitted that claims 1 and 80 are directed towards patentable subject matter.

The Examiner rejected 1-19, 40-57, 78 and 80 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,167, 438 to Yates et al. (referred to herein as “Yates”) in view of Dynamic Load Balancing on Web-Server System (Dynamic). Applicants respectfully traverse these rejections as follows.

Examiner Failed to Show Teachings for Several Claim Limitations and Sufficient Motivation to Modify such Teachings

Claim 1 is directed towards a “method of facilitating redirection of data sent from a first processing device to a second processing device.” Claim 1 also recites “at a third processing device associated with a plurality of traffic handling systems, receiving traffic information from each of the associated traffic handling systems, wherein the traffic information received from each associated traffic handling system specifies which data based on at least a portion of the data should be redirected to the each associated traffic handling system. Claim 1 further requires “determining how to redirect data received by the third processing device to a selected traffic handling system based on the received traffic information from each of the associated traffic handling systems.” Claim 1 also requires “at the third processing device, receiving data from one or more first processing devices that are destined for one or more second processing devices” and “at the third processing device, redirecting the received data to selected one or more of the traffic handling systems so that the redirected data are apportioned between the traffic handling systems based on the traffic information from each of the associated traffic handling systems and at least a portion of the received data.” Claim 40, 78, and 80 are directed towards

mechanisms for performing the operations of claim 1. Embodiments of the present invention, may be utilized in a network such as illustrated below:

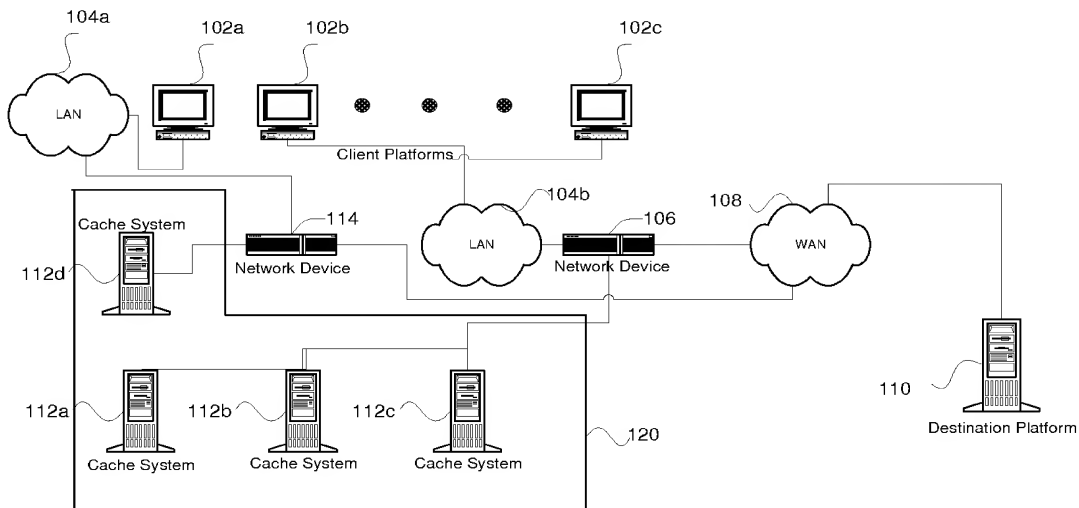


Fig. 1

As shown, a plurality of client machines 102 which are resident on local area networks (LAN) 104a and 104b communicate via router 106/router 114 and wide area network (WAN) 108, e.g., the internet, with server 110. In embodiments of the invention, router 106 is configured to redirect certain traffic towards a selected cache system, such as 112a~112d, which is configured to "spoof" server 110. The router 106 bases this cache system selection on traffic information received from each of its associated cache devices, *e.g.*, 112a~112d, and this received information specifies how to redirect received data based on at least a portion of such received data. For example, the traffic information may specify that a first set of destination IP addresses are assigned to cache system 112a; a second set of IP addresses to cache system 112b; a third set of IP addresses to cache system 112c; and a fourth set of IP addresses to cache system 112d. Thus, embodiments of the present invention allow a designated traffic handling system to specify how a router redirects data to selected ones of its associated *plurality* of traffic handling systems based on traffic information from each of the plurality of traffic handling systems and at least a portion of such received data, wherein the traffic information specifies how to redirect data based on at least a portion of the received data.

In contrast, the cited reference Yates describes routers that are each configured to redirect data to only a single cache server. See Fig. 1 of Yates. Thus, Yates does not teach operations for a network device to redirect data to a cache system that is selected from among several cache systems associated with the network device, in the manner claimed. Since the routers of Yates only redirect to a single cache system, none of the routers receive traffic information (for specifying how data is to be redirected) from each of a plurality of cache system or traffic handling systems. In sum, Yates fails to teach or suggest techniques or mechanisms for receiving traffic information (for specifying how data is to be redirected) from each of a plurality of cache systems or traffic handling systems, in the manner claimed. Similarly, Yates also fails to teach or suggest techniques or mechanism for determining how to direct data based on received traffic information (for specifying how data is to be redirected) from each of a plurality of cache systems or traffic handling systems, in the manner claimed.

The Examiner admits that Yates fails to teach “based on the traffic information from each associated traffic handling system and at least a portion of the received data.” The Examiner asserts that the secondary reference Dynamic teaches this limitation. Although Dynamic appears to teach redirecting data to a plurality of servers based on load information from such servers (e.g., Page 34), it is respectfully submitted that Dynamic fails to teach or suggest that the basis for such redirection takes the form of information from a plurality of servers that specifies how to redirect received data based on at least a portion of such received data, in the manner claimed. Nor does Dynamic teach redirecting data based on information from a plurality of servers that specifies how to redirect received data based on at least a portion of such received data, as well as based on at least a portion of such received data, in the manner claimed. In contrast, Dynamic teaches “[s]ince the dispatcher must be aware of the server load, each server periodically reports the number of received requests per second...The dispatcher then selects the least-loaded server.” See last Paragraph on Page 34 (Emphasis Added). That is, redirection as taught by Dynamics is simply based on the load reported by a server, rather than on information that “specifies which data based on at least a portion of the data should be redirected to the each associated traffic handling system”, in the manner claimed. In sum, the cited references both fail to teach or suggest mechanisms or techniques for redirecting data to selected ones of a plurality of traffic handling systems based on traffic information from each of the plurality of traffic handling systems and at least a portion of such received data, wherein the traffic information (received from the traffic handling systems) specifies how to redirect data based on

at least a portion of the received data, in the manner claimed. Accordingly, it is respectfully submitted that the claims 1, 40, 78, and 80 are patentable over the cited art.

The Examiner's rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-19, and 41-57 each depend directly or indirectly from independent claims 1 or 40 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1 and 40. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Any further fee required in connection with the filing of this Response is to be charged to Deposit Account No. 50-0388 (Order No. CISC146).

Respectfully submitted,
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